

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:	)	
FAIRFIELD SENTRY LIMITED, et al.,	)	Chapter 15 Case
Debtors in Foreign Proceedings.	)	Case No: 10-13164 (SMB)
	)	Jointly Administered
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION) and	)	
FAIRFIELD SIGMA LIMITED (IN LIQUIDATION), acting	)	
by and through the Foreign Representatives thereof, and	)	Adv. Pro. No. 10-03635
KENNETH KRYS and CHARLOTTE CAULFIELD, solely in	)	(SMB)
their capacities as Foreign Representatives and Liquidators	)	
thereof,	)	
	)	
Plaintiffs,	)	
-against-	)	
ABN AMRO SCHWEIZ AG A/K/A ABN AMRO	)	
(SWITZERLAND) AG, et al.,	)	
	)	
Defendants.	)	
	)	
This document is also being filed in the lead adversary	)	
proceeding, <i>Fairfield Sentry Ltd. (in Liquidation), et al. v.</i>	)	
<i>Theodoor GGC Amsterdam, et al.</i> , Adv. Pro. No. 10-03496.	)	

**DEFENDANT-APPELLEES' COUNTER-STATEMENT OF  
ISSUES TO BE PRESENTED AND COUNTER-DESIGNATION OF ITEMS  
TO BE INCLUDED IN THE RECORD ON APPEAL**

Defendant-Appellees BNP Paribas (Suisse) SA, BNP Paribas (Suisse) SA Ex  
Fortis, BNP Paribas (Suisse) SA Private, Caceis Bank Luxembourg, and HSBC,<sup>1</sup> by and through  
their undersigned counsel, respectfully submit, pursuant to Rule 8009 of the Federal Rules of  
Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District

<sup>1</sup> The party sued here as "HSBC" is a non-juridical entity, and there is no concession to the contrary by submitting this filing.

of New York, this counter-statement of additional issues to be presented and counter-designation of items to be included in the record on appeal with respect to the appeal by Plaintiffs in the above captioned adversary proceeding (the “Adversary Proceeding”) of the Stipulated Order Granting In Part And Denying In Part Moving Defendants’ Motions To Dismiss And Plaintiffs’ Motion For Leave To Amend entered April 15, 2019 (“Stipulated Order”), the December 6, 2018 Memorandum Decision (“December 6, 2018 Memorandum Decision”), and the August 6, 2018 Memorandum Decision and Order Regarding the Defendants’ Motions to Dismiss for Want of Jurisdiction (“August 6, 2018 Memorandum and Order”) (together, the “Appealed Decisions and Orders”) before the United States Bankruptcy Court for the Southern District Of New York.

**COUNTER-STATEMENT OF  
ADDITIONAL ISSUES TO BE PRESENTED ON APPEAL<sup>2</sup>**

1. All issues designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders, including, without limitation, the issues stated in Plaintiffs’ Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal; and:

- a. Should the Court address the interlocutory question of the potential application of Section 561(d) and the Section 546(e) and Section 546(g) safe harbors, which did not provide the basis for the dismissal of any claims by the Bankruptcy Court?
- b. Should the Court address the interlocutory question of whether the subscription agreements provide a basis for personal jurisdiction over the

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<sup>2</sup> Defined terms carry the meaning ascribed to them in the corresponding decision or order from which appealed.

defendant, which did not provide the basis for the dismissal of any claims by the Bankruptcy Court?

- c. Whether preclusion doctrines provide an additional basis for the Bankruptcy Court's dismissal of the contract and other common law claims, pursuant to its December 6, 2018 Memorandum Decision.<sup>3</sup>

**COUNTER-DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**<sup>4</sup>

1. All items designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders, including, without limitation, the items designated in Plaintiffs' Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal (ECF No. 435);<sup>5</sup> and

**A. Counter-Designated entries from the docket of *Fairfield Sentry Limited, et al. v. ABN AMRO Schweiz AG a/k/a ABN AMRO (Switzerland) AG, et al.*, 10-03635-smb**

ECF Number	Date	Docket Text
1	09/21/2010	Adversary case 10-03635. Copy of Certified Order Transferring Case No. 10cv6640 from the U.S. District Court, S.D.N.Y. to the U.S. Bankruptcy Court, S.D.N.Y.. Nature(s) of Suit: (11 (Recovery of money/property - 542 turnover of property)) Filed by Kerry L. Quinn, Daniel J. Saval, David Molton, May Orenstein on behalf of Fairfield Sentry Limited ( In Liquidation). (Attachments: 1 docket sheet2 ntc rem3 exh a4 exh a 15 exh b6 rule 77 jury dmd8 ntc asgn) (Aquino, Lourdes) (Entered: 09/21/2010)
11	10/04/2010	Summons with Notice of Pre-Trial Conference issued by Clerk's Office with Pre-Trial Conference set for 11/16/2010 at 10:00 AM at Courtroom 623 (BRL), Answer due by 11/3/2010, (Cockerham, Kevin) (Entered: 10/04/2010)

<sup>3</sup> Memorandum Decision Granting in Part and Denying in Part Defendants' Motions to Dismiss and Plaintiffs' Motions for Leave to Amend, *Fairfield Sentry Limited, et al. v. Theodoor GGC Amsterdam, et al.*, 10-03496-smb (ECF No. 1743).

<sup>4</sup> Items designated include all exhibits and submissions attached thereto and, as to hearing transcripts, any and all documents admitted into evidence.

<sup>5</sup> Unless otherwise specified, citations to (ECF No. \_\_\_\_ ) refer to docket entries from *Fairfield Sentry Limited, et al. v. ABN AMRO Schweiz AG a/k/a ABN AMRO (Switzerland) AG*, Adv. Pro. No. 10-03635-smb (SMB) (Bankr. S.D.N.Y.).

53	10/20/2010	Affidavit of Service of Christopher Michael Lau Kamg of Brown Rudnick LLP (related document(s)8, 11) filed by Kerry L. Quinn on behalf of Fairfield Sentry Limited ( In Liquidation). (Quinn, Kerry) (Entered: 10/20/2010)
54	10/22/2010	Affidavit of Service of Christopher Michael Lau Kamg of Brown Rudnick LLP (related document(s)8, 11) filed by Kerry L. Quinn on behalf of Fairfield Sentry Limited ( In Liquidation). (Quinn, Kerry) (Entered: 10/22/2010)
58	11/02/2010	So-Ordered Stipulation Signed 11/2/2010 Between Counsel for Plaintiffs and Defendants Re: Extending Summons Response Dated Are Adjourned Until January 15, 2011, Without Prejudice and Subject to (a) The Positions of Plaintiffs and each of the Undersigned Defendants With Respect To Plaintiffs' Proposed Scheduling Order; and (b)Plaintiffs' and Each of the Undersigned Defendants' Reservation of Rights, In Connection With The Hearing on the Scheduling Motion or Otherwise, to Seek Further Extensions of Time For Each of The Undersigned Defendants to Respond to complaints (Suarez, Aurea). (Entered: 11/02/2010)
61	11/10/2010	Order signed on 11/9/2010 Authorizing the Consolidation of the Redeemer Actions Pursuant to Federal Rule of Bankruptcy Procedure 7042. (Originally filed in Bankruptcy Case Number 10-13164.) (Rouzeau, Anatin) (Entered: 11/19/2010)
62	11/18/2010	Amended Order signed on 11/17/2010 Authorizing The Consolidation Of Redeemer Actions Pursuant To Federal Rule Of Bankruptcy Procedure 7042. This Order Directs the Procedural Consolidation of this Action and Other Redeemer Actions Filed in Connection with the Jointly Administered Chapter 15 cases of Fairfield Sentry Limited, Fairfield Sigma Limited, and Fairfield Lambda Limited (Case No. 10-13164); the docket for Fairfield Sentry Limited et al. v. Theodoor GGC Amsterdam et al., AP No. 10-03496, Should be Consulted for All Matters Covered Under the Courts Order. (Originally filed in Bankruptcy Case Number 10-13164.) (related document(s)61) (Rouzeau, Anatin) (Entered: 11/19/2010)
67	01/10/2011	Amended Complaint against all defendants (related document(s)8, 1) Filed by Daniel J. Saval on behalf of Fairfield Sentry Limited (In Liquidation), Fairfield Sigma Limited (In Liquidation) and Kenneth Krys and Joanna Lau, solely in their capacities as Foreign Representatives and Liquidators. (Saval, Daniel) (Entered: 01/10/2011)
70	03/08/2011	SECOND Summons with Notice of Pre-Trial Conference issued by Clerk's Office with Pre-Trial Conference set for 4/21/2011 at 10:00 AM at Courtroom 623 (BRL), Answer due by 4/7/2011, (Campbell, Tiffany) (Entered: 03/08/2011)
71	03/08/2011	Notice of Presentment of Proposed Order Granting The Foreign Representatives' Motion For Leave To Amend Complaints In

		Certain Redeemer Actions filed by Kerry L. Quinn on behalf of Fairfield Sentry Limited ( In Liquidation). with presentment to be held on 3/22/2011 at 10:00 AM at Courtroom 623 (BRL) Objections due by 3/15/2011, (Attachments: 1 Motion2 Exhibit A3 Exhibit B4 Exhibit C5 Exhibit D6 Exhibit E10 Exhibit F11 Exhibit G9 Exhibit H)(Quinn, Kerry) Additional attachment(s) added on 3/11/2011 (Bush, Brent) (Entered: 03/08/2011)
75	03/29/2011	Affidavit of Service of Christopher Michael Lau Kamg of Brown Rudnick LLP (related document(s)67) filed by David Molton on behalf of Joanna Lau, Kenneth Krys, Fairfield Sentry Limited ( In Liquidation), Fairfield Sigma Limited (In Liquidation). (Molton, David) (Entered: 03/29/2011)
76	04/02/2011	Notice of Presentment of Proposed Order Granting The Foreign Representatives' Motion For Leave To Amend Complaints In Redeemer Actions (related document(s)71) filed by Kerry L. Quinn on behalf of Fairfield Sentry Limited ( In Liquidation). with presentment to be held on 4/15/2011 at 10:00 AM at Courtroom 623 (BRL) Objections due by 4/8/2011, (Attachments: 1 Motion2 Exhibit A3 Exhibit B4 Exhibit C5 Exhibit D)(Quinn, Kerry) (Entered: 04/02/2011)
78	04/07/2011	Affidavit of Service of Christopher Michael Lau Kamg of Brown Rudnick LLP (related document(s)67) filed by David Molton on behalf of Fairfield Sentry Limited ( In Liquidation), Fairfield Sigma Limited (In Liquidation), Kenneth Krys, Joanna Lau. (Molton, David) (Entered: 04/07/2011)
79	04/07/2011	Affidavit of Service of Christopher Michael Lau Kamg of Brown Rudnick LLP (related document(s)8, 1) filed by David Molton on behalf of Fairfield Sentry Limited ( In Liquidation). (Molton, David) (Entered: 04/07/2011)
86	05/03/2011	Amended Complaint against Rothschild Lugano Dublin a/k/a Banca Privata Edmond de Rothschild Lugano S.A., Rothschild Bank AG Zurich (Dublin) a/k/a Rothschild Bank AG, Quasar Funds SPC a/k/a Quasar Fund SPC Class A and Class B CGCNV, National Bank of Kuwait, Karasel Enhanced Portfolio, BBH Lux Guardian II a/k/a Brown Brothers Harriman, Barclays Bank PLC Singapore Wealth a/k/a Barclays Bank, PLC, Adler and Co Privatbank AG, ABN AMRO Schweiz AG a/k/a ABN AMRO (Switzerland) AG, Allianzbank SPA/Unifortune Conservative Side Pocket, Alternative Investment Strategies, Arsenal SPC, Arsenal SPC OBO Glasgow SEG Port, BBH LUX Ref Fairfield GRN, BBVA (Suisse) SA, BCV AMC Defensive AI Fund, BNP Paribas (Suisse) SA, BNP Paribas (Suisse) SA Ex Fortis, BNP Paribas (Suisse) SA Private, BSI AG, BSI Ex Banca Del Gottardo, Banca Arner SA, Banca Unione di Credito, Bank Hapoalim Switzerland Ltd., Bank Julius Baer & Co. Ltd., Bank Sarasin & Cie, Banque Cantonale Vaudoise, Banque Cramer & Cie SA, Banque Safdie

		SA, CBB (BVI)/The Alkima Found, CBT Gems Low Vol Reg, Caceis Bank Luxembourg, Centrum Bank AG (AMS), Clariden Leu Ltd., Compagnie Bancaire Helvetique, Corner Banca SA, Credit Suisse AG Zurich, Dexia Banque International a Luxembourg, Dresdner Bank Schweiz, EFG Bank SA Switzerland, EFG Eurofinancier D'Invest MCL, Endurance Absolute Ltd. Master, FCL IFP Global Diversified CLS, FIF Advanced Ltd., Fairfield Investment Fund Ltd., Fairfield Investment GCI, Fairfield Masters Ltd., Falcon Private Bank, Finter Bank Zuirich, Harmony Capital Fund Ltd., Ihag Handelsbank AG, Incore Bank AG, JP Morgan (Suisse) SA, KBC Investments Ltd., Karla Multistrategies Ltd., LGT Bank in Liechtenstein AG, Liechtensteinische LB Reinvest AMS, Lloyds TSB Bank Geneva, Lombard Odier Darier Hentsch & Cie, Longboat Ltd., Master Capital and Hedge Fund, NBK Banque Privee Suisse SA, PKB Privatebank AG, Pictet & Cie, Private Space Ltd., RBC Dexia Investor Service Julius Baer Sicav, RBS Coutts Bank Ltd., Richourt AAA Multistrategies, Rothschild Bank Geneva (Dublin), SIS Seeganintersettle, Sella Bank AG, Six SIS Ltd., Societe Generale Bank & Trust, Soundview Fund, Springer Fund of Funds Ltd., Swisscanto FD Centre Clients A/C, T1 Global Fund Ltd., Teorema Alternative Strategies, UBS AG New York, UBS AG Zurich, UBS Jersey Nominees, Verwaltungs und Privat-Bank AG Aktiengesellschaft (AMS), Vorarlberger Landes Und Hypothekenbank Ankiengesellscharft and Beneficial Owners of the Accounts held in the name of CGC (NA) 1-1000 (Second Amended Complaint) (related document(s)67, 8) Filed by David Molton on behalf of KENNETH KRYIS and JOANNA LAU, solely in their capacities as Foreign Representatives and Liquidators, Fairfield Sentry Limited ( In Liquidation), Fairfield Sigma Limited (In Liquidation). (Molton, David) (Entered: 05/03/2011)
87	05/24/2011	AMENDED Summons with Notice of Pre-Trial Conference issued by Clerk's Office with Pre-Trial Conference set for 8/16/2011 at 10:00 AM at Courtroom 623 (BRL), Answer due by 6/23/2011, (Campbell, Tiffany) (Entered: 05/24/2011)
91	06/17/2011	Affidavit of Service of Christopher Michael Lau Kamg (related document(s)86) filed by Kerry L. Quinn on behalf of Fairfield Sentry Limited ( In Liquidation), Fairfield Sigma Limited (In Liquidation), KENNETH KRYIS and JOANNA LAU, solely in their capacities as Foreign Representatives and Liquidators. (Quinn, Kerry) (Entered: 06/17/2011)
106	01/20/2012	Letter to Clerk of Court regarding change of entity name from ABN AMRO Schweiz AG a/k/a ABN AMRO Bank (Switzerland) AG to Union Bancaire Privee, UBP SA, as a result of merger filed by Christopher Harris on behalf of ABN AMRO Schweiz AG

		a/k/a ABN AMRO (Switzerland) AG. (Harris, Christopher) (Entered: 01/20/2012)
122	07/30/2012	THIRD AMENDED Summons with Notice of Pre-Trial Conference issued by Clerk's Office with Pre-Trial Conference set for 9/12/2012 at 10:00 AM at Courtroom 623 (BRL), Answer due by 8/29/2012, (Campbell, Tiffany) (THIS SUMMONS DOES NOT APPLY TO BANQUE SAFDIE SA) Modified on 9/6/2012 (Richards, Beverly). (THIS SUMMONS DOES NOT APPLY TO BANK LEUMI/BANQUE LEUMI SWITZERLAND) Modified on 1/18/2013 (Richards, Beverly). (Entered: 07/30/2012)
123	08/10/2012	Affidavit of Service of Christopher Michael Lau Kamg of Brown Rudnick LLP (related document(s)122, 121) filed by David Molton on behalf of Fairfield Sentry Limited ( In Liquidation), Fairfield Sigma Limited (In Liquidation), Kenneth Krys, solely in his capacity as Foreign Representative and Liquidator thereof. (Molton, David) (Entered: 08/10/2012)

**B. Counter-Designated entries from the docket of *Fairfield Sentry Limited, et al. v. Theodoor GGC Amsterdam, et al.*, 10-03496-smb (Lead Case)**

ECF Number	Date	Docket Text
24	11/10/2010	Order Signed on 11/9/2010 Authorizing the Consolidation of the Redeemer Actions Pursuant to Federal Rule of Bankruptcy Procedure 7042. (Originally filed in Bankruptcy Case Number 10-13164) . (Suarez, Aurea) (Entered: 11/19/2010)
25	11/18/2010	Amended Order signed on 11/17/2010 Authorizing The Consolidation Of Redeemer Actions Pursuant To Federal Rule Of Bankruptcy Procedure 7042. This Order Directs the Procedural Consolidation of this Action and Other Redeemer Actions Filed in Connection with the Jointly Administered Chapter 15 cases of Fairfield Sentry Limited, Fairfield Sigma Limited, and Fairfield Lambda Limited (Case No. 10-13164); the docket for Fairfield Sentry Limited et al. v. Theodoor GGC Amsterdam et al., AP No. 10-03496, Should be Consulted for All Matters Covered Under the Courts Order. (Originally filed in Bankruptcy Case Number 10-13164.) . (related document(s)24) (Suarez, Aurea) (Entered: 11/19/2010)
195	03/10/2011	Transcript regarding Hearing Held on 03/09/2011 10:13AM RE: Foreign Representatives' Motion Pursuant to 11 U.S.C. Section 1507(a) and 1521(a)(7) for an Order (I) Granting the Foreign Representative Relief Under 11 U.S.C. Section 108 and (II) Setting the Date of the " Order for Relief" ; Motion to Abstain for Several Proceedings Consolidated under this AP. Remote electronic access to the transcript is restricted until 6/8/2011. The transcript may be viewed at the Bankruptcy Court Clerks Office.

		[Transcription Service Agency: Veritext Reporting Company.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 3/17/2011. Statement of Redaction Request Due By 3/31/2011. Redacted Transcript Submission Due By 4/11/2011. Transcript access will be restricted through 6/8/2011. (Villegas, Carmen) (Entered: 03/11/2011)
368	07/13/2011	Transcript regarding Hearing Held on 07/12/2011 10:21AM RE: Moving Defendants ( BGL BNP Paribas (sued here as BNP Paribas (Suisse) SA Ex Fortis, BNP Paribas ( Suisse) SA Private, BNP Paribas Securities Services Luxwembourg, CDC IXIS, Caceis Bank Luxembourg, Citibank.....et al..... Remote electronic access to the transcript is restricted until 10/11/2011. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Reporting Company.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 7/20/2011. Statement of Redaction Request Due By 8/3/2011. Redacted Transcript Submission Due By 8/15/2011. Transcript access will be restricted through 10/11/2011. (Villegas, Carmen) (Entered: 07/28/2011)
418	10/19/2011	Amended Order signed on 10/19/2011 Staying Redeemer Actions (related document(s)416, 401). (Saenz De Viteri, Monica) (Entered: 10/19/2011)
434	12/14/2011	Letter To The Honorable Judge Burton R. Lifland Regarding Stay of Redeemer Actions filed by David Molton on behalf of Fairfield Sentry Limited (In Liquidation). (Molton, David) (Entered: 12/14/2011)
445	01/10/2012	Memorandum Endorsement signed on 1/10/2012 Regarding Foreign Representative's Request to Terminate the Stay of the Redeemer Actions in Accordance with the Court's October 19, 2011 Order (related document(s)434, 439, 418, 437). (Saenz De Viteri, Monica) (Entered: 01/10/2012)
467	05/16/2012	Order signed on 5/16/2012 Establishing Case Management Procedures to Govern Redeemer Actions Pursuant To 11 U.S.C. Sections 105(a), 1507(a) and 1521(a)(7) and Bankruptcy Rules 7016, 7042, and 9007 (Related Doc # 418, 416, 404, 272, 7). (Saenz De Viteri, Monica) (Entered: 05/16/2012)
477	05/25/2012	Motion to Allow Limited Relief From Order Staying Redeemer Actions And Entry of Order Directing Defendants To Make Expedited Initial Disclosures On Beneficial Holders And Authorizing Amendment To Complaints In Redeemer Actions filed by Kerry L. Quinn on behalf of Fairfield Sentry Limited (In Liquidation). with hearing to be held on 6/20/2012 at 10:00 AM at Courtroom 623 (BRL) Objections due by 6/1/2012, (Attachments: # 1 Proposed Order) (Quinn, Kerry) (Entered: 05/25/2012)



778	06/27/2012	Memorandum Decision and Order Signed 6/27/2012 Granting The Foreign Representative's Motion Seeking Limited Relief From Order Staying Redeemer Actions And Entry of Order Directing Defendants To Make Expedited Initial Disclosures On Beneficial Holders And Authorizing Amendment To Complaints In Redeemer Actions (Related Doc # 477). (Suarez, Aurea) (Entered: 06/27/2012)
786	06/26/2012	Transcript regarding Hearing Held on 06/26/2012 10:01AM RE: Motion to Allow Limited Relief From Order Staying Redeemer Actions And Entry of Order Directing Defendants To Make Expedited Initial Disclosures On Beneficial Holders And Authorizing Amendment To Complaint In Redeemer Actions. Remote electronic access to the transcript is restricted until 9/24/2012. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Reporting Company.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 7/3/2012. Statement of Redaction Request Due By 7/17/2012. Redacted Transcript Submission Due By 7/27/2012. Transcript access will be restricted through 9/24/2012. (Ortiz, Carmen) (Entered: 06/29/2012)
799	07/19/2012	Minute Order signed on 7/19/2012 Denying in Part and Granting in Part Motion of the Foreign Representative to Allow Limited Relief from Order Staying Redeemer Actions and Entry of Order Directing Defendants to Make Expedited Initial Disclosures on Beneficial Holders and Authorizing Amendment to Complaints in Redeemer Actions (the Motion) (related document(s)477). (Saenz De Viteri, Monica) Additional attachment(s) added on 7/19/2012 (Philbert, Gemma). (Entered: 07/19/2012)
800	07/20/2012	Transcript regarding Hearing Held on 07/19/2012 10:15AM RE: Adversary Proceeding. Remote electronic access to the transcript is restricted until 10/18/2012. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Reporting Company.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 7/27/2012. Statement of Redaction Request Due By 8/10/2012. Redacted Transcript Submission Due By 8/20/2012. Transcript access will be restricted through 10/18/2012. (Ortiz, Carmen) (Entered: 07/20/2012)
885	01/28/2016	Transcript regarding Hearing Held on 4/30/2015 10:00AM RE: Pre-Trial Conference. Remote electronic access to the transcript is restricted until 4/27/2016. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of

		Intent to Request Redaction Deadline Due By 2/4/2016. Statement of Redaction Request Due By 2/18/2016. Redacted Transcript Submission Due By 2/29/2016. Transcript access will be restricted through 4/27/2016. (Ortiz, Carmen) (Entered: 02/08/2016)
906	07/28/2016	Transcript regarding Hearing Held on 7/27/2016 10:00AM RE: Status Conference. Remote electronic access to the transcript is restricted until 10/26/2016. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 8/4/2016. Statement of Redaction Request Due By 8/18/2016. Redacted Transcript Submission Due By 8/29/2016. Transcript access will be restricted through 10/26/2016. (Ortiz, Carmen) (Entered: 08/04/2016)
909	09/06/2016	Order signed on 9/6/2016 Authorizing the Foreign Representatives to File Proposed Amended Complaints in Partially Redacted Form and Unredacted Proposed Amended Complaints Under Seal (Related Doc # 907). (Gomez, Jessica) (Entered: 09/06/2016)
918	10/18/2016	So Ordered Supplemental Case Management Order Signed On 10/18/2016. (Barrett, Chantel) (Entered: 10/18/2016)
920	10/21/2016	Second Supplemental Case Management Order Signed On 10/20/2016. (Barrett, Chantel) (Entered: 10/21/2016)
1326	03/23/2017	Third Supplemental Case Management Order Signed On 3/23/2017. (Barrett, Chantel) (Entered: 03/23/2017)
1458	05/26/2017	Second Declaration of Simon Mortimore, QC in Further Support of the Defendants' Motion to Dismiss (related document(s)959) filed by Daniel H. Tabak on behalf of FS/GSCO London, FS/GSCO New York. (Attachments: # 1 Exhibit A) (Tabak, Daniel) (Entered: 05/26/2017)
1609	01/09/2018	Scheduling Order Signed On 1/8/2018. Re: Oral Argument On Motions For Leave To Amend And To Dismiss with hearing to be held on 1/25/2018 at 02:00 PM at Courtroom 723 (SMB) (Barrett, Chantel) (Entered: 01/09/2018)
1649	02/01/2018	So Ordered Order Signed On 2/1/2018. Re: Supplementation OfSubmissions Relating To Bankruptcy Code § 561(D) (Barrett, Chantel) (Entered: 02/01/2018)
1734	09/13/2018	Letter , dated September 13, 2018, in response to the Court's Memo Decision and Order dated August 6th, enclosing a Joint Stipulation and Proposed Order. Filed by Thomas J. Moloney on behalf of Banco Nominees 2 (Guernsey) Limited, HSBC Bank Bermuda Limited, HSBC Bank USA NA (sued as HSBC Bank USA), HSBC Institutional Trust Services (Asia) Limited, HSBC International Trustee Limited, HSBC Latin America Holdings (UK) Limited, HSBC Private Bank (C.I.) Limited (sued as HSBC Private Bank (Guernsey) Ltd), HSBC Private Bank (Suisse) SA, HSBC Securities Services (Luxembourg) SA, HSBC Trust

		Company AG (f/k/a HSBC Guyerzeller Trust Company AG), Murdoch and Company, Republic Nominees Limited (f/k/a HSBC Private Banking Nominee 1 (Jersey) Limited), Robinson & Co., Somers Nominees (Far East) Limited. (Attachments: # 1 Exhibit A-[Proposed] Order and Stipulation Between the Liquidators and the Defendants Listed on Appendix A # 2 Appendix A-Defendants)(Moloney, Thomas) (Entered: 09/13/2018)
1735	09/20/2018	Order and Stipulation signed on 9/20/2018 Between The Liquidators and the Defendants Listed in Appendix A (related document(s)1723). (Gomez, Jessica) (Entered: 09/20/2018)
1768	03/27/2019	Notice of Settlement of an Order <i>Implementing December 6, 2018 Memorandum Decision Granting in Part and Denying in Part Defendants Motions to Dismiss and Plaintiffs Motions for Leave to Amend</i> filed by Marek P Krzyzowski on behalf of Fairfield Sentry Limited (In Liquidation), Fairfield Sigma Limited (In Liquidation), Kenneth Krys, solely in his capacity as Foreign Representative and Liquidator thereof. (Attachments: # 1 Exhibit 1 - Proposed Order)(Krzyzowski, Marek) (Entered: 03/27/2019)

**RESERVATION OF RIGHTS**

BNP Paribas (Suisse) SA, BNP Paribas (Suisse) SA Ex Fortis, BNP Paribas (Suisse) SA Private, Caceis Bank Luxembourg, and HSBC expressly reserve the right to supplement the record on appeal or cross-appeal and to adopt the designation of any items designated or counter-designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders.

Dated: June 4, 2019  
New York, New York

Respectfully submitted,

**CLEARY GOTTlieb STEEN &  
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*The party sued here as "HSBC"*

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